

**IN THE COURT OF APPEALS**  
**FIRST APPELLATE DISTRICT OF OHIO**  
**HAMILTON COUNTY, OHIO**

IN RE: E.B.	:	APPEAL NOS. C-120650 C-120651
	:	TRIAL NOS. 11-2591Z 12-5064X
	:	<i>JUDGMENT ENTRY.</i>
	:	

We consider this appeal on the accelerated calendar, and this judgment entry is not an opinion of the court. *See* S.Ct.R.Rep.Op. 2; App.R. 11.1(E); 1st Dist. Loc.R. 11.1.1.

E.B. was adjudicated a delinquent child for committing an act that would have constituted aggravated robbery, in violation of R.C. 2911.01, accompanied by a firearm specification, had he been an adult. The Hamilton County Juvenile Court committed E.B. to the legal custody of the Department of Youth Services (“DYS”) for an indefinite term consisting of a minimum term of three years and a maximum term not to exceed E.B.’s 21st birthday. The trial court then ordered an additional one-year commitment to DHS for the firearm specification, to be served consecutively and prior to the minimum three-year term, again not to exceed E.B.’s attainment of the age of 21.

In two related assignments of error, E.B. argues that the trial court erred in committing E.B. to DHS for three years on the firearm specification, in violation of

R.C. 2152.17(B), and that E.B. received ineffective assistance of counsel because his trial counsel failed to object to the imposition of a three-year commitment on the firearm specification. E.B.'s arguments are without merit. It is well settled that a trial court speaks through its journal, and the trial court's entry from which E.B. appeals states that E.B. shall be committed to DYS for 12 months on the firearm specification—not three years as E.B. contends. *See State v. Sexton*, 1st Dist. No. C-110037, 2011-Ohio-5246, ¶ 7. Therefore, the trial court complied with R.C. 2152.17(B).

We overrule E.B.'s assignments of error, and the judgment of the trial court is affirmed. We rely on the Office of the Ohio Public Defender to ensure that DYS receives the proper documentation. Furthermore, we note that E.B. filed appeal number C-120650 in the case numbered 11-2591Z, but his assignments of error relate only to the case numbered 12-5064X. Therefore, we determine that E.B. has abandoned appeal number C-120650.

Further, a certified copy of this judgment entry shall constitute the mandate, which shall be sent to the trial court under App.R. 27. Costs shall be taxed under App.R. 24.

**HILDEBRANDT, P.J., HENDON and CUNNINGHAM, JJ.**

To the clerk:

Enter upon the journal of the court on June 19, 2013  
per order of the court \_\_\_\_\_.  
Presiding Judge